

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

N47 ASSOCIATES LLC and NEW YORK MARINE  
AND GENERAL INSURANCE COMPANY, INC.,

Plaintiffs,

-against-

ALBA SERVICES INC. and ACCREDITED SURETY  
& CASUALTY CO., INC.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/21/2021

1:21-cv-3490-MKV

ORDER DISMISSING FOR  
FAILURE TO PROSECUTE

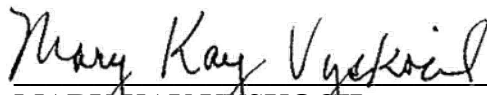
MARY KAY VYSKOCIL, United States District Judge:

On September 20, 2021, the Court entered an Order directing Plaintiff to serve the summons and Complaint on Defendants on or before October 20, 2021, or to show cause why service has not been made. [ECF No. 9]. The Court warned that failure to comply with the Court's Order would result in dismissal of the action for failure to prosecute. To date, Plaintiff has not filed proof of service, shown cause why service has not been made, or taken any other action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by November 22, 2021. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: October 21, 2021  
New York, NY**

  
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MARY KAY VYSKOCIL  
United States District Judge